

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**DONALD FREMONT HARRINGTON, M.D.**

**Physician's and Surgeon's  
Certificate #A-25501**

**Respondent.**

**File No: 08-1999-94295**

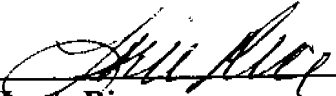
**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on Augusts 29, 2002

IT IS SO ORDERED August 22, 2002

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
Lorie Rice  
Chair, Panel A  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 GAIL M. HEPPELL  
Supervising Deputy Attorney General  
3 STEPHEN M. BOREMAN, State Bar No. 161498  
Deputy Attorney General  
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7 Attorneys for Complainant  
8

9  
10 **BEFORE THE**  
**DIVISION OF MEDICAL QUALITY**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 02-01-126837

13 **DONALD FREMONT HARRINGTON, M.D.**  
22/19 TOQ KHV PHOL  
14 PHUENG LINH CHIEU  
THU DUC, VIETNAM

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Physician and Surgeon's Certificate  
16 No. A-25501

Respondent.  
17

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board  
23 of California. He brought this action solely in his official capacity and is represented in this  
24 matter by Bill Lockyer, Attorney General of the State of California, by Stephen M. Boreman,  
25 Deputy Attorney General.

26 2. Donald Fremont Harrington, M.D. (Respondent) is representing himself in  
27 this proceeding and has chosen not to exercise his right to be represented by counsel.

28 ///

1                   3.       On or about August 21, 1973, the Medical Board of California issued  
2 Physician and Surgeon's Certificate No. A-25501 to Donald Fremont Harrington, M.D.  
3 (Respondent). The Physician and Surgeon's Certificate was in full force and effect at all times  
4 relevant to the charges brought herein and will expire on October 31, 2002, unless renewed.

5                                   JURISDICTION

6                   4.       Accusation No. 02-01-126837 was filed before the Division of Medical  
7 Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is  
8 currently pending against Respondent. The Accusation and all other statutorily required  
9 documents were properly served on Respondent on June 24, 2002. Respondent timely filed his  
10 Notice of Defense contesting the Accusation. A copy of Accusation No. 02-01-126837 is  
11 attached as Exhibit "A" and incorporated herein by reference.

12                                   ADVISEMENT AND WAIVERS

13                   5.       Respondent has carefully read and understands the charges and allegations  
14 in Accusation No. 02-01-126837. Respondent also has carefully read and understands the effects  
15 of this Stipulated Surrender of License and Order.

16                   6.       Respondent is fully aware of his legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
19 the right to present evidence and to testify on his own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23                   7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25                                   CULPABILITY

26                   8.       Respondent admits the truth of each and every charge and allegation in  
27 Accusation No. 02-01-126837, agrees that cause exists for discipline, and hereby surrenders his  
28 Physician and Surgeon's Certificate No. A-25501 for the Division's formal acceptance.

9. Respondent understands that by signing this stipulation, he enables the Division to issue its order accepting the surrender of his Physician and Surgeon's Certificate without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Division of Medical Quality. Respondent understands and agrees that counsel for Complainant and staff of the Medical Board of California may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon it. If the Division fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile or other copies of this Stipulated Surrender of License and Order, including the signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Division may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A-25501, issued to Respondent Donald Fremont Harrington, M.D., is surrendered and accepted by the Division of Medical Quality.

13. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Division's Decision and Order.

14. Respondent shall cause to be delivered to the Division both his certificate and wallet certificate on or before the effective date of the Decision and Order.

1                   15.     Respondent fully understands and agrees that if he ever files an application  
2 for licensure or a petition for reinstatement in the State of California, the Division shall treat it as  
3 a petition for reinstatement. Respondent must comply with all the laws, regulations and  
4 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
5 of the charges and allegations contained in Accusation No. 02-01-126837 shall be deemed to be  
6 true, correct, and admitted by Respondent when the licensing agency determines whether to grant  
7 or deny the petition.

8   ACCEPTANCE

9                   I have carefully read the Stipulated Surrender of License and Order. I understand  
10 the stipulation and the effect it will have on my Physician and Surgeon's Certificate No.  
11 A-25501. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly,  
12 and intelligently, and agree to be bound by the Decision and Order of the Division of Medical  
13 Quality, Medical Board of California.

14 DATED: July 27, 2002

15  
16   Donald F. Harrington  
17 DONALD FREMONT HARRINGTON, M.D.  
18 Respondent

19   ENDORSEMENT

20                   The foregoing Stipulated Surrender of License and Order is hereby respectfully  
21 submitted for consideration by the Division of Medical Quality, Medical Board of California of  
22 the Department of Consumer Affairs.

23 DATED: July 31, 2002

24   BILL LOCKYER, Attorney General  
25 of the State of California

26   Stephen M. Boreman  
27 STEPHEN M. BOREMAN  
28 Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**Accusation No. 02-01-126837**

BILL LOCKYER, Attorney General  
of the State of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
STEPHEN M. BOREMAN, State Bar No. 161498  
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Attorneys for Complainant

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DIVISION OF MEDICAL QUALITY  
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**DONALD FREMONT HARRINGTON, M.D.**  
22/19 TOQ KHV PHOL  
PHUENG LINH CHIEU  
THU DUC, VIETNAM

**A C C U S A T I O N**

Physician and Surgeon's Certificate No. A-25501

Respondent.

Complainant alleges:

PARTIES

1. Ron Joseph (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about August 21, 1973, the Medical Board of California issued Physician and Surgeon's Certificate No. A25501 to Donald Fremont Harrington, M.D. (Respondent). The Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2002, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Division of Medical Quality, Medical Board of California (Division), under the authority of the following sections of the Business and Professions Code (Code).

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 125.3 of the Code provides, in pertinent part, that the Division may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 14124.12 of the Welfare and Institutions Code states, in pertinent part:

"(a) Upon receipt of written notice from the Medical Board of California, the Osteopathic Medical Board of California, or the Board of Dental Examiners of California, that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in any case in which the relevant licensing board determines that compelling circumstances warrant the continued reimbursement during the probationary period of any Medi-Cal claim, including any claim for dental services, as so described. In such a case, the department shall continue to reimburse the licensee for all procedures, except for those invasive or surgical procedures for which the licensee was placed on probation."

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1                   7.       Section 2354 of the Code states:

2                   "Each physician and surgeon who requests participation in a diversion program  
3 shall agree to cooperate with the treatment and monitoring program designed by the  
4 program manager. Any failure to complete successfully a treatment and monitoring  
5 program or an acceptable substitute program may result in the filing of an accusation for  
6 discipline which may include any acts giving rise to the original diversion."

7                                   CAUSE FOR DISCIPLINE  
8                                   (Noncompliance of Diversion)  
                                  [Bus. & Prof. Code Section 2354]

9                   8.       Respondent is subject to disciplinary action under section 2354 of the  
10 Code in that Respondent was terminated from the Diversion Program effective September 28,  
11 2001, for reasons other than successful completion of the Diversion Program. The  
12 circumstances are as follows:

13                   9.       On or about March 31, 2000, Respondent self-referred to the Diversion  
14 Program. He informally participated with the Diversion Program and was referred to the  
15 Springbrook Recover Center in Oregon for inpatient treatment of alcoholism, poly-substance  
16 abuse and/or chemical dependency. In September 2000, Respondent successfully completed his  
17 treatment at Springbrook and was discharged. The Diversion Evaluation Committee (DEC)  
18 reviewed Respondent's case in or about October 2000, and formally approved Respondent for  
19 formal participation in the Diversion Program. Respondent was restricted from practice for six  
20 months, required to attend seven 12-step meetings per week, to continue in psychotherapy, and to  
21 consider volunteering for another inpatient treatment program after six months. Respondent was  
22 in compliance with the requirements of his Diversion Program until on or about July 20, 2001,  
23 when Respondent wrote to the Diversion Program requesting a meeting to discuss termination of  
24 his participation in the program. At that time, Respondent advised that he planned to move to  
25 Viet Nam and did not foresee resuming the practice of medicine. Respondent expressed the  
26 desire, however, to maintain his medical license in California. On or about September 28, 2001,  
27 Respondent met with Diversion Program personnel and again advised his intent to move to Viet  
28 Nam. In that meeting, Diversion Program personnel verified that (1.) Respondent has not

1 practiced medicine since May 2000; (2.) Respondent wishes to maintain his medical license, and  
2 (3.) Respondent plans to establish permanent residence in Viet Nam (subject to future  
3 modification). On or about September 28, 2001, Respondent was terminated from the Diversion  
4 Program for reasons other than successful completion of the Diversion Program. Respondent has  
5 since established residence in Viet Nam.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Division of Medical Quality issue a decision:

- 9 1. Revoking or suspending Physician and Surgeon's Certificate No.  
10 A-25501, issued to Donald Fremont Harrington;  
11 2. Revoking, suspending or denying approval of Donald Fremont  
12 Harrington's authority to supervise physician's assistants, pursuant to section 3527 of the Code;  
13 3. Ordering Donald Fremont Harrington to pay the Division of Medical  
14 Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on  
15 probation, the costs of probation monitoring;  
16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: June 24, 2002.

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20 

21 RON JOSEPH  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
27  
28